

EXHIBIT

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

* * *

AUGUSTINE BOCELLI,

Plaintiff,

vs.

CASE NO. 2:15-cv-06313-NIQA

OWENS & MINOR

DISTRIBUTION, INC. and

CROWN EQUIPMENT CORPORATION,

Defendants.

* * *

Deposition of RONALD GRISEZ, Witness
herein, called by the Plaintiff for
cross-examination pursuant to the Rules of Civil
Procedure, taken before me, Kathy S. Wysong, a
Notary Public in and for the State of Ohio, at the
offices of Mike Mobley Reporting, 334 South Main
Street, Dayton, Ohio, on Tuesday, May 2, 2017, at
9:18 a.m.

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1 **Q. At the time that the truck was**
2 **developed for use in confined spaces, did Crown**
3 **know that increased risk of injury was something**
4 **that could happen with use of pallet trucks in**
5 **confined spaces?**

6 **A. No, I wouldn't say that we felt that**
7 **using the truck in a confined space would**
8 **necessarily increase the risk of injury. One of**
9 **the features that Crown has added to the truck to**
10 **accommodate using the trucks in confined spaces**
11 **would be what's called the brake override feature.**

12 **Q. Brake override means that travel is**
13 **possible even when the operation handle is in the**
14 **standard braking area; is that accurate?**

15 **A. Yes. The handle has been placed into**
16 **the brake zone so when the handle is moved from**
17 **the drive zone or travel zone into the brake zone,**
18 **the brakes are applied. But in the override**
19 **position, the operator can again ask for travel,**
20 **which is limited to one mile an hour. But the --**
21 **in that position, the control handle itself is**
22 **within the running lines of the truck so that the**
23 **handle can be manipulated or moved and still be**
24 **within the running lines of the truck.**

25 **Q. And if the handle is swiveled far to**

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1 potential difference, is that why there's no
2 measurements on any of the pictures that were
3 provided in any of the materials about exactly how
4 many degrees up the handle needs to be in order to
5 activate the braking zone?

6 A. I guess as I sit here, I can't
7 explain why there's no dimensions on these
8 particular prints. I'm not aware.

9 Q. Are you aware of any drawings during
10 either the design, development, or manufacturing
11 stages where those dimensions were put on paper?

12 A. I believe they were, yes.

13 Q. Okay. So when the handle is in the
14 override braking zone, the truck is still able to
15 accept a command to go forward or backward; is
16 that fair to say?

17 A. After the brake command has been
18 given because the handle has been moved from a
19 travel position to a brake zone, so brake is
20 always initiated when you put the handle into that
21 zone, and then if the operator chooses to utilize
22 the brake override, they can again request travel
23 but, again, at the lower travel speeds of one mile
24 an hour maximum.

25 Q. Can you tell me how this function was

1 **developed at Crown and who developed it?**

2 A. The -- I can't say exactly how it was
3 developed, but it was developed back when we
4 released the WP-2000 back in the year 2000; and
5 this design was patented in Europe but it was
6 developed in our Germany -- sorry, Munich, Germany
7 headquarters.

8 **Q. Do you know whether or not Crown
9 utilized or worked with any other entities or
10 individuals in order to develop the brake override
11 feature?**

12 A. I'm not aware of anyone being --
13 outside of Crown being used to develop this. And
14 I guess to go back to your previous question,
15 sorry, I mean, one of the main purposes of the
16 brake override is to be able to turn in tight
17 quarters with the control handle in the upright
18 position so that it's within the running lines of
19 the truck. That's the primary driver for using
20 brake override.

21 **Q. Right. What I'm asking you is about
22 who developed it. So my question is, did Crown --
23 only Crown engineers take part in developing it?**

24 A. I wouldn't say only Crown engineers,
25 but it was Crown personnel that worked on it.

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1 because whether standard operation or brake
2 override, you still want to stay out of the path
3 of travel, and that, again, doesn't matter --

4 **Q. But you need to be more careful using**
5 **brake override, right?**

6 A. Well, irregardless, you still need to
7 stay out of the path of travel whether it's in
8 brake override or in normal travel.

9 **Q. Right. But be more careful when you**
10 **use brake override, right?**

11 A. That's what the -- that's what the
12 operator manual indicates here, but the premise is
13 that you still want to stay out of the path of
14 travel irregardless if it's in brake override or
15 in a wide open space.

16 **Q. Okay. And you agree with what's**
17 **written in the Crown materials here; is that**
18 **right?**

19 A. I have no reason to disagree with it.

20 **Q. And brake override used in confined**
21 **spaces, that's what its purpose is, correct?**

22 A. That's correct. It's designed to be
23 used with the handle in the vertical position to
24 maneuver in tight quarters. That's correct.

25 **Q. All right. So then by extension, if**

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1 **time that the truck would be moving without the**
2 **operator's hands even on it? Has that ever been**
3 **tested?**

4 A. I'm not sure I understand -- I guess
5 I'm not sure I understand. When the handle --

6 Q. **Yeah, it's probably a very poor and**
7 **confusing question. What I'm trying to ask is did**
8 **Crown ever determine whether or not it would be a**
9 **good idea to test any sort of system that would**
10 **stop the truck immediately if the operator's**
11 **hands, both hands, were removed from the handle?**
12 **For instance, if the operator fell down or if the**
13 **operator just let go.**

14 A. I guess no, we have not. We have in
15 place what we believe is a very reasonable design,
16 is that when the operator releases the handle,
17 mechanically it returns to the full upright
18 position and that's when the parking brake is
19 applied. If the operator wants the truck to stop
20 sooner, then they can force the handle to the full
21 upright position which would be quicker.

22 Q. **There would still be a point in time**
23 **where the wheel would have to come to a stop and**
24 **the parking brake would have to apply for it to**
25 **stop and not have any unexpected movement, fair to**

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1 whether that's where it was shipped to or not,
2 based off of this document, that's what it would
3 appear. But I'm not one hundred percent sure if
4 it was shipped directly to Owens & Minor or it was
5 shipped directly to Omnilift, but it appears to
6 have been shipped to Owens & Minor.

7 **Q. Okay. And if you could take a look**
8 **at the document marked AB:3. And I could just be**
9 **confused and reading the documents incorrectly.**

10 A. Okay.

11 Q. Do you know based on your review of
12 this document whether or not the WP truck was
13 shipped directly to Owens & Minor or was it
14 shipped to Omnilift, Inc.?

15 A. I mean, looking at this, it says
16 shipped to Owens & Minor, so that's how I would
17 read it.

18 Q. Okay. What involvement did Omnilift,
19 Inc. have with respect to this particular WP truck
20 when it was shipped initially to Owens & Minor?

21 A. My understanding is that Owens &
22 Minor would have been the installing dealer so
23 they would have -- whether it was at their
24 facility or whether it was at Owens & Minor, they
25 would have still performed a predelivery

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1 inspection to make sure the truck was working
2 properly, and then in accordance to this document,
3 would have still discussed with the customer the
4 operator's manual, the service manual, who's going
5 to perform planned maintenance, et cetera that's
6 all listed at the bottom of this particular
7 document.

8 **Q. And I just want to make sure your**
9 **testimony is accurate. I think you -- and I could**
10 **have misunderstood it. I think you said Owens &**
11 **Minor was your installing dealer. Did you mean**
12 **Omnilift?**

13 A. Yes. Sorry. Sorry.

14 **Q. Okay. Was Omnilift your authorized**
15 **dealer in the Allentown area for your Crown**
16 **equipment?**

17 A. Yes, I believe so.

18 **Q. Okay. Do you have any direct**
19 **involvement dealing with Omnilift in the Allentown**
20 **area?**

21 A. No.

22 **Q. Does Crown provide training to its**
23 **authorized dealers for these particular WP trucks?**

24 A. I believe with all of our particular
25 models, including the WP, I believe we provide a

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1 **Q. Do you know if Omnilift, as your
2 authorized dealer, offered any training specific
3 to this particular WP truck model prior to
4 November 2014?**

5 **A. I believe they would have. Again,
6 going back to AB:3, one of the reviews with the
7 customer indicates the availability of Crown
8 operator training material.**

9 **Q. Okay.**

10 **A. So it could have been the material or
11 it could have been the training; but either way,
12 they would have let them know it was available, I
13 believe.**

14 **Q. Okay. When was this particular model
15 manufactured? I'm sorry. Strike that.**

16 **When was this particular WP truck
17 manufactured?**

18 **A. I believe the truck was manufactured
19 in March of 2014.**

20 **Q. And at the time of the plaintiff's
21 accident, was this within its one-year warranty
22 with Crown?**

23 **A. That's correct.**

24 **Q. Were any warranty claims made to
25 Crown on this particular WP truck prior to the**